

**MOTION TO PLACE
SENATE CONCURRENT RESOLUTION 38 ON SECOND READING**

Senator Traeger moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that S.C.R. 38 be taken up for consideration at this time:

S.C.R. 38, Memorializing Congress to repeal the federal law setting a maximum speed limit on public highways of 55 miles per hour.

The motion was lost by the following vote: Yeas 21, Nays 6. (Not receiving four-fifths vote of Members)

Yeas: Andujar, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Lecdom, Meier, Mengden, Richards, Sarpalius, Short, Traeger, Travis, Uribe, Williams, Wilson.

Nays: Blake, Doggett, Mauzy, Parker, Truan, Vale.

Absent-excused: McKnight, Ogg, Santiesteban, Snelson.

GUEST PRESENTED

Senator Caperton was recognized and presented to the Members Dr. Harry Green.

Dr. Green was welcomed as a guest today.

CONGRATULATORY RESOLUTION

S.R. 313 - By Andujar: Extending congratulations to Horace T. Craig.

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ADJOURNMENT

On motion of Senator Mauzy the Senate at 11:41 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor
(March 4, 1981)

**S.B. 151
S.C.R. 43
S.C.R. 44**

**THIRTY-FIRST DAY
(Thursday, March 5, 1981)**

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Kothmann, Leedom, Mauzy, Meier, Mengden, Parker, Richards, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Vale, Williams, Wilson.

Absent-excused: Jones, McKnight, Ogg, Santiesteban, Travis.

A quorum was announced present.

Senator Roy Blake offered the invocation as follows:

Our Heavenly Father, as we deliberate the issues that will affect our state today, we would ask that You would let the words of our mouth, and the meditations of our hearts be acceptable in Thy Sight, as we believe that You are our strength and our Redeemer. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senators McKnight, Santiesteban and Ogg were granted leave of absence for today on account of official State business on motion of Senator Snelson.

Senator Travis was granted leave of absence for today on account of important business on motion of Senator Brown.

Senator Jones was granted leave of absence for today on account of important business on motion of Senator Howard.

MESSAGE FROM THE HOUSE

House Chamber
March 5, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 629, Relating to the maximum rate of interest for state and local government bonds and other evidences of indebtedness.

H.C.R. 82, Offering support of state in investigation of Atlanta children.

S.B. 2, Relating to disqualifications for benefits under the Texas Unemployment Compensation Act. (With amendments)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Williams, Vice Chairman, submitted the following report for the Committee on Natural Resources:

S.B. 602 (Amended)
S.B. 363
S.B. 364 (Amended)
S.B. 228
C.S.S.B. 168 (Read first time)

Senator Brooks submitted the following report for the Committee on Human Resources:

S.B. 303 (Amended)

Senator Leedom, Acting Chairman, submitted the following report for the Committee on Human Resources:

C.S.S.B. 52 (Read first time)

Senator Farabee submitted the following report for the Committee on State Affairs:

S.B. 671
S.B. 565 (Amended)
S.B. 657
C.S.S.B. 386 (Read first time)

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

S.B. 642 (Amended)
S.B. 548
C.S.S.B. 205 (Read first time)

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 802 by Mengden State Affairs
Relating to compensation of state employees who work overtime.

S.B. 810 by Mengden State Affairs
Relating to compensation of state employees who work overtime.

S.B. 811 by Andujar Human Resources
Relating to the control and eradication of rabies; amending Article 4477-6a, Vernon's Texas Civil Statutes; amending Article 7014f-1, Vernon's Texas Civil Statutes; repealing Article 2372m, Vernon's Texas Civil Statutes; delegating certain powers to the Texas Department of Health; delegating certain powers to counties and incorporated municipalities; providing for fees, providing penalties and declaring an emergency.

S.B. 812 by Brooks Human Resources
Relating to removing certain convalescent and nursing homes and related institutions from certain inspection, open hearing, and grading requirements.

S.B. 813 by Meier Economic Development
Relating to the validity of construction contracts and related agreements.

S.B. 814 by Mauzy Jurisprudence
Relating to medical malpractice coverage for The University of Texas and Texas A & M University Systems, Texas Tech University School of Medicine and Texas College of Osteopathic Medicine; amending Chapter 9, Acts of the 65th Legislature, Regular Session, 1977 as amended (Article 6252-26a, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 815 by Short Intergovernmental Relations
Relating to the qualifications for office of the Lubbock County criminal district attorney.

S.B. 816 by Traeger Intergovernmental Relations
Relating to the compensation of the judges of the county and district courts in Webb County.

S.B. 817 by Jones Human Resources
Relating to the construction of a chapel at Abilene State School.

S.B. 818 by Brown State Affairs
Relating to political contributions by corporations and labor organizations in certain elections.

S.B. 819 by Brown State Affairs
Relating to repeal of obsolete provisions of the Texas Election Code.

S.B. 820 by Wilson Natural Resources
Relating to shrimping in outside waters.

S.B. 821 by Ogg, Doggett, Brooks Jurisprudence
Relating to the appointment and the rights, privileges, duties, and powers of managing conservators for a child.

S.B. 822 by Ogg Intergovernmental Relations
Relating to the duties of the judges of certain municipal courts of record.

S.B. 823 by Doggett Human Resources
Relating to including persons with neurofibromatosis in the category of persons eligible for services under the crippled children's program.

S.C.R. 55 by Caperton Administration
Granting Barbara McMurrey Hyde and Beverly McMurrey McFarland permission to sue the State.

BILL SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill:

S.B. 235**SENATE RESOLUTION 319**

Senator Snelson offered the following resolution:

S.R. 319, Honoring Mr. and Mrs. Robert W. DeBolt for their work in the adoption of "Special Kids".

The resolution was read and was adopted.

GUESTS PRESENTED

Senator Snelson was recognized and presented to the Members Mr. DeBolt and Dr. Bill Myers of The University of Texas Special Education Department.

SENATE CONCURRENT RESOLUTION 58

Senator Brooks offered the following resolution:

WHEREAS, Texas and Texans are saddened at the passing of a true friend and public servant, William Ray Keener, Chairman of the Texas Health Facilities Commission who died on Monday, February 23, 1981, at the age of 35; and

WHEREAS, This native Texan was born on June 25, 1945, in Temple, Texas, and graduated from Richardson High School in Richardson, Texas, in 1963 and from McMurry College in Abilene, Texas, in 1967; and

WHEREAS, Bill Keener possessed an ongoing, passionate interest in public affairs, as reflected by his involvement in countless local, state, and national political campaigns; his zeal and activism were undergirded by deep sensitivity and compassion for all people; and

WHEREAS, Bill Keener started his distinguished career as Executive Director of the Republican Party of Texas from 1967 to 1968, after which he moved to our nation's capital to serve as Special Assistant to the Administrator of the Small Business Administration in 1969 and as Regional Director in a 12-state area for the National Republican Congressional Committee in 1970-1971; and

WHEREAS, The Honorable John Tower, United States Senator from Texas, recognized the outstanding personal and professional qualities of Bill Keener and asked him to serve as the Senator's Executive Assistant from 1971 to 1977 in Washington, D.C., Dallas, Texas, and Austin, Texas; and

WHEREAS, In 1977, Bill Keener returned to his native Texas, the state he loved so much, and became a managing partner of Groebl and Harlowe Properties in Brownwood, Texas, and a partner in the HK Ranch; and

WHEREAS, The Honorable William P. Clements, Jr., sought out Bill Keener for his political expertise and persuaded him to serve as Director of the Scheduling and Advance Office in the Bill Clements for Governor Campaign; and

WHEREAS, On November 7, 1978, the advice, hard work, and loyalty of Bill Keener resulted in the unique experience of sharing in the election of his candidate as the first Republican Governor in Texas in more than 100 years; and upon his election, the Honorable William P. Clements, Jr. asked Bill Keener to serve as Director of Scheduling and Advance for the Governor-Elect's Transition Office; and

WHEREAS, Bill Keener never let his membership and success as a Republican impede his ability to work effectively with Democrats and Independents on issues and matters of mutual concern; and

WHEREAS, Bill Keener completed his duties for Governor-Elect Clements with his usual efficiency, effectiveness, insight, and dedication; he returned to his beloved Brownwood, Texas, where he became Vice-President of Development for the Bennett-Barnes Investment Company; and

WHEREAS, The Honorable William P. Clements, Jr., Governor of Texas, successfully recruited Bill Keener to serve in Texas state government in 1979 and appointed him to be a member of the Texas Health Facilities Commission, and in 1980 Governor Clements designated Bill Keener to be Chairman of the Texas Health Facilities Commission; and

WHEREAS, Bill Keener's tenure at the Texas Health Facilities Commission characterized his approach to public service as he worked to eliminate unnecessary regulation and paperwork in the certificate of need review process in Texas and to improve the procedure whereby new hospitals, nursing homes, and other health care facilities are built, always seeking to make government more accountable and responsive to the taxpayers; and

WHEREAS, Bill Keener earned and enjoyed the admiration, respect and love of the Texas Health Facilities Commission staff; and

WHEREAS, His political expertise complemented his uncanny ability to work tenaciously with members of the legislature, legislative committees and staffs, and his colleagues in other agencies; and

WHEREAS, Despite the heavy responsibilities of his professional life, and while not a man of great financial means, Bill Keener gave of his time, talent, and resources unselfishly in a manner that demonstrated his love for God, state, and country; he was a member of the Indian Creek Masonic Lodge in Brownwood, a 32nd degree member of the Scottish Rite Waco Consistory, a member of the First United Methodist Church of Brownwood, and a member of the church's administrative board, a member of the Planning and Zoning Commission in Brownwood, a member of the Board of Directors of the Brownwood Red Cross, a member of the Community Advisory Council of the Brownwood St. Council, a member of the Brownwood Rotary Club, a member of the Brownwood Chamber of Commerce; and

WHEREAS, Bill Keener won the respect of friend and foe alike with his involved, concerned, and dedicated approach to everything in life; he had the energy, sensitivity, skill, and compassion of any 10 of his peers; he never turned away from any challenge and never assumed any task that he not only accomplished but also excelled in doing; people always knew exactly where he stood on any given issue and they respected him for this; he was an intensely loyal and fair person who gave of himself unselfishly and totally; and

WHEREAS, Bill Keener's legacy is not just a career of outstanding achievement, but also a loving family and a wide circle of friends and associates for whom he did so much and to whom he meant so much; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the 67th Legislature join the family and many friends of William Ray Keener in mourning his death and offer sympathy to members of his family: to his wife, Jane Keener of Austin; to his children, Justin Corry Keener and Lauri Anne Keener of Austin; to his mother, Frances Luscomb of Mineola; to his stepfather, Ray Luscomb of Mineola; to his grandmother, Fannie Mae Corry of Mineola; and to his brothers, James Lee Keener of San Francisco, California, and Charles Robert Keener of Denton; and, be it further

RESOLVED, That official copies of this resolution be prepared for members of the family and that when the Legislature of Texas adjourns this day it do so in memory of and with admiration for William Ray Keener, loving parent and devoted family man, great friend, patriot, public servant, Christian, educator, involved citizen, outstanding American, and Texan.

BROOKS
HARRIS

The resolution was read.

On motion of Senator Harris and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

GUESTS PRESENTED

Senator Brooks was recognized and presented the family of Mr. Keener, his wife Jane and children, Justin and Lauri. Also presented were Mr. David Dean and many friends from the Health Facilities Commission.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Subcommittee on Nominations:

Austin, Texas
March 5, 1981

TO THE SENATE OF THE SIXTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE STATE COMMISSION FOR THE BLIND:

For a six-year term to expire January 1, 1987:

JOHN M. TURNER of Dallas, Dallas County, is being reappointed.

WILLIAM C. CONNER of Fort Worth, Tarrant County, is being reappointed.

TO BE A MEMBER OF THE BOARD OF REGENTS OF THE MIDWESTERN STATE UNIVERSITY:

For a term to expire February 25, 1982:

HAROLD D. ROGERS of Wichita Falls, Wichita County, will be filling the unexpired term of Frank J. Douthitt of Henrietta, Clay County, who resigned.

Respectfully submitted,

William P. Clements, Jr.
Governor of Texas

CONSIDERATION OF NOMINATIONS

The President announced that the time had arrived for the Senate to consider the nominations to agencies, boards and commissions. Notice of submission of these names was given by Senator Andujar yesterday.

Senator Andujar moved the Senate meet in Executive Session.

On motion of Senator Andujar and by unanimous consent, the motion to meet in Executive Session was withdrawn.

Senator Andujar moved confirmation of the nominees as reported from the Subcommittee on Nominations. The report was filed yesterday.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The nominees as reported by the Subcommittee on Nominations were confirmed by the following vote: Yeas 26, Nays 0.

Absent-excused: Jones, McKnight, Ogg, Santiesteban, Travis.

SENATE BILL 540 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 540, Relating to real estate brokers and salesmen amending The Texas Mobile Home Standards Act, providing for severability; and declaring an emergency.

The bill was read second time.

Senator Brown offered the following committee amendment to the bill:

Amend **S.B. 540** by deleting Section 1 and substituting therefor the following:

Section 1. Subsection (e), Section 18, Article 5221f, Vernon's Texas Civil Statutes, as amended, is amended to read as follows:

(e) Nothing in this Act shall be construed to modify or amend any provisions of the Real Estate License Act (Article 6573a, Vernon's Texas Civil Statutes []), as amended. The provisions of this Article 5221f, as amended, shall not apply to a person licensed as a real estate broker or salesman pursuant to Article 6573a, Vernon's Texas Civil Statutes, as amended, who, as agent of the buyer or seller, negotiates the sale or lease of a mobile home and the real property to which it is affixed; provided that the ownership of the mobile home and real property are of record in the same person, and that such sale or lease shall be in a single real estate transaction.

The committee amendment was read and was adopted.

On motion of Senator Brown and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 540 ON THIRD READING

Senator Brown moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 540 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent-excused: Jones, McKnight, Ogg, Santiesteban, Travis.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 0.

Absent-excused: Jones, McKnight, Ogg, Santiesteban, Travis.

SENATE BILL 528 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 528, Relating to time off from work to attend political conventions.

The bill was read second time.

Senator Parker offered the following amendment to the bill:

Amend S.B. 528, Section 1, Sec. 212a, Texas Election Code (Article 13.34a, Vernon's Texas Election Code), by deleting after the word "precinct" the words ", county, or state", and by adding after the words "to affiliate" the words ", or attending a county, district, or state convention to which the employee is a duly constituted delegate".

The amendment was read and was adopted.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 528 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 528 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent-excused: Jones, McKnight, Ogg, Santiesteban, Travis.

The bill was read third time and was passed.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE SENATE BILL 359 ON SECOND READING**

Senator Brooks asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

C.S.S.B. 359, Relating to continuation of the Texas State Board of Examiners of Psychologists and regulation of psychologists.

There was objection.

Senator Brooks then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up C.S.S.B. 359 for consideration at this time.

The motion was lost by the following vote: Yeas 24, Nays 2. (Not receiving four-fifths vote of Members)

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Kothmann, Leedom, Mauzy, Meier, Mengden, Parker, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Vale, Williams, Wilson.

Nays: Howard, Richards.

Absent-excused: Jones, McKnight, Ogg, Santiesteban, Travis.

SENATE BILL 430 ON SECOND READING

On motion of Senator Mauzy and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 430, Relating to the discharge of fines and court costs in misdemeanor cases by service in jail, amending Chapter 722, Acts of the 59th Legislature, 1965 (Article 43.09, Texas Code of Criminal Procedure), and declaring an emergency.

The bill was read second time and was passed to engrossment by the following vote: Yeas 24, Nays 2.

Yeas: Andujar, Blake, Brooks, Caperton, Doggett, Farabee, Glasgow, Harris, Kothmann, Leedom, Mauzy, Meier, Mengden, Parker, Richards, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Vale, Williams, Wilson.

Nays: Brown, Howard.

Absent-excused: Jones, McKnight, Ogg, Santiesteban, Travis.

SENATE BILL 430 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 430 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 2.

Yeas: Andujar, Blake, Brooks, Caperton, Doggett, Farabee, Glasgow, Harris, Kothmann, Leedom, Mauzy, Meier, Mengden, Parker, Richards, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Vale, Williams, Wilson.

Nays: Brown, Howard.

Absent-excused: Jones, McKnight, Ogg, Santiesteban, Travis.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 2.

Yeas: Andujar, Blake, Brooks, Caperton, Doggett, Farabee, Glasgow, Harris, Kothmann, Leedom, Mauzy, Meier, Mengden, Parker, Richards, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Vale, Williams, Wilson.

Nays: Brown, Howard.

Absent-excused: Jones, McKnight, Ogg, Santiesteban, Travis.

SENATE BILL 585 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 585, To amend Chapter 10 of Title 28, Revised Civil Statutes of Texas, 1925, as amended, to permit a municipality to keep certain accounts and records on other than a cash basis to the extent permitted or required by generally accepted accounting principles; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 585 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 585 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent-excused: Jones, McKnight, Ogg, Santiesteban, Travis.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 0.

Absent-excused: Jones, McKnight, Ogg, Santiesteban, Travis.

COMMITTEE SUBSTITUTE SENATE BILL 489 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 489, Relating to payments to hospital districts for the care of crippled children. (Submitted by Governor as an emergency)

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 489 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 489** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent-excused: Jones, McKnight, Ogg, Santiesteban, Travis.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 0.

Absent-excused: Jones, McKnight, Ogg, Santiesteban, Travis.

MESSAGE FROM THE HOUSE

House Chamber
March 5, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 1002, Relating to a supplemental appropriation to The Texas A&M University System for the purpose of compensating for fire losses not covered by insurance.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

**CONSIDERATION OF COMMITTEE SUBSTITUTE
SENATE BILL 265 POSTPONED**

On Tuesday, March 3, 1981, the Senate agreed to postpone consideration of **C.S.S.B. 265** until Monday, March 9, 1981, at 11:30 o'clock a.m.

On motion of Senator Farabee and by unanimous consent, consideration of **C.S.S.B. 265** was postponed until Tuesday, March 10, 1981, at 11:00 o'clock a.m.